



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Duerst, et al.

Serial No.: 10/661,148

Filed: September 12, 2003

Title: POLYMORPH OF A
PHARMACEUTICAL

Case No.: 7090US01

Group Art No.: 1624

Examiner: (not yet assigned)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Commissioner for Patents
P.O. Box 1450
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Date of Deposit: April 27, 2004

Tanya Parent 4/27/04
Tanya Parent Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for the patent application identified above entitled POLYMORPH OF A PHARMACEUTICAL are the following:

1. Information Disclosure Statement;
2. Form PTO 1449, in duplicate;
3. References as cited on PTO 1449 (3 references); and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025.

Respectfully submitted,
Duerst, et al.

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Michael J. Ward
Registration No. 37,960
Attorney for Applicants



PATENT

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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed, to the knowledge of the undersigned, before the mailing date of a first Office Action on the merits. Applicants respectfully petition and request that the Examiner consider the listed documents and evidence such consideration by making appropriate notations on the attached form. Copies of non-U.S. patent documents are attached.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

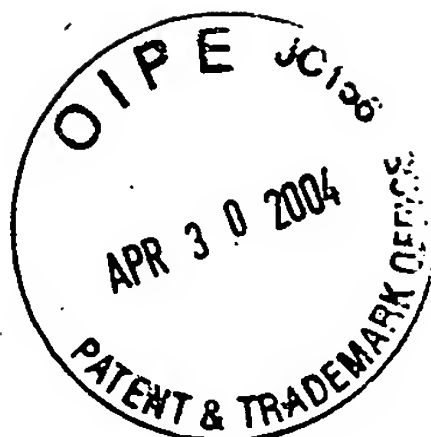
The Commissioner is authorized to charge our Deposit Account any additional fees (or credit any over payments) that may be required under 37 C.F.R. §§ 1.16 and 1.17 in association with this communication for which full payment has not been tendered.

Respectfully submitted,
Duerst, et al.

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DATE: April 27, 2004

SHEET 1 of 2

Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE
(Modified) PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

7090US01

SERIAL NO.

10/661,148

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICANT(S)

Duerst, et al.

FILING DATE

September 12, 2003

GROUP

1624

(Use several sheets if necessary)

(37 CFR 1.98 (b))

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | PATENT NUMBER | ISSUE DATE | INVENTOR | CLASS | SUB CLASS | FILING DATE |
|---------------------|-----|---------------|---------------|----------------|-------|--------------|----------------|
| | A1 | 2003/0129227 | | Yamaguchi | | | |
| | A2 | 2003/0109503 | | Smith et al. | | | |
| | A3 | 2003/0105066 | | Soldato et al. | | | |
| | A4 | 4,409,214 | 10/11/1983 | Takaya et al. | | | |
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| | A7 | 4,559,334 | 12/17/1985 | Takaya et al. | | | |
| | A8 | 4,585,860 | 4/29/1986 | Takaya et al. | | | |
| | A9 | 4,731,443 | 3/15/1988 | Takaya et al. | | | |
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| | A11 | 5,110,921 | 5/5/1992 | Takaya et al. | | | |
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| | A13 | 6,093,814 | 7/25/2000 | Lee et al. | | | |
| | A14 | 6,350,869 | 2/26/2002 | Sturm et al. | | | |
| | A15 | 6,406,717 | 6/18/2002 | Cherukuri | | | |
| | A16 | 6,423,341 | 7/23/2002 | Yamaguchi | | | |
| | A17 | 6,537,985 | 3/25/2003 | Mihalik et al. | | | |

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

| | | DOCUMENT NUMBER | PUBLIC-ATION DATE | COUNTRY OR PATENT OFFICE | CLASS | SUB CLASS | TRANS- LATION YES NO |
|--|----|--------------------|----------------------|-----------------------------|-------|--------------|----------------------------|
| | B1 | 02/098884 | 12.12.2002 | WO | | | |
| | B2 | 03/040116 | 15.05.2003 | WO | | | |
| | B3 | 03/050124 | 19.06.2003 | WO | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

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| EXAMINER | DATE CONSIDERED |
|-----------------|------------------------|

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.